

U. S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-ICA
Phone: (202) 366-4280
FAX: (202) 366-7124

DEPARTMENT OF HOMELAND SECURITY

U. S. COAST GUARD

STATEMENT OF

REAR ADMIRAL THOMAS H. GILMOUR

ON

MARINE DEBRIS

BEFORE THE

SUBCOMMITTEE ON FISHERIES AND OCEANS

AND

SUBCOMMITTEE ON COAST GUARD & MARITIME TRANSPORTATION

COMMITTEE ON TRANSPORTATION & INFRASTRUCTURE,

U. S. HOUSE OF REPRESENTATIVES

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Introduction

Good morning Mr. Chairman and distinguished Members of the Subcommittee. I am Rear Admiral Thomas Gilmour, the Coast Guard's Assistant Commandant for Marine Safety, Security and Environmental Protection. I am pleased to be here today to discuss combating marine pollution and, in particular, marine debris.

Marine debris is a significant threat to the marine environment. It impacts marine life, coastal ecosystems, human health and water quality and can impede safe navigation. It directly impacts marine mammals, birds, fish and other wildlife, causing harmful, sometimes deadly, injuries through wounds, infections and death by strangulation or suffocation when wildlife becomes entangled in it or ingests it. Coastal communities suffer damage and loss of essential habitat and decreased tourist revenues. The lives of our citizens are endangered when marine debris causes damage to boats and ships or results in injuries and infections.

Marine debris is a broad issue, and the term itself has a multitude of definitions and meanings to different agencies. Marine debris can range from common everyday litter to large industrial equipment disposed in the marine environment. Understanding and tackling the issue of marine debris and its impacts require that we first define marine debris and set goals and responsibilities in a manner that will result in achievable strategies within our existing legal authorities, utilizing partnership and cooperation.

Recognizing the importance of this issue, the Administration recently re-established the Interagency Marine Debris Coordinating Committee (Committee), pursuant to the U.S. Ocean Action Plan. The members of this Committee include representative of the U.S. Coast Guard, the National Oceanic and Atmospheric Administration (NOAA), the Environmental Protection Agency, the Department of the Interior. The Committee has been directed to address reducing marine debris from all sources, with an initial focus on reducing derelict fishing gear. The U.S. Coast Guard is an active participant on this Committee.

What is Marine Debris and what are its Sources?

Historically, marine debris was a "catch all" phrase for almost anything found in the water or on the beaches, and it has been primarily focused on plastics and fishing gear. Marine debris originates from both the sea (and inland waterways) and the land. Ocean/inland waterways-based sources include boats and ships, from recreational boaters to the largest container ship, along with offshore rigs and drilling platforms. Land-based sources include combined sewer overflows and storm drains, landfills, manufacturing and sewage treatment plants and beachgoers.

For centuries it was a common and acceptable practice for ships to dump their garbage at sea. To combat this longstanding tradition, the United Nations, through the International

Maritime Organization (IMO), administers a treaty that is designed to prohibit at-sea ship generated pollution. The International Convention for the Prevention of Pollution from Ships treaty, known as **MARPOL 73/78**, contains Annexes that deal with specific discharges: Annex I - oil, Annex II - hazardous liquids, Annex III - packaged hazardous materials, Annex IV - sewage and Annex V - garbage (including plastics). In order to implement **MARPOL** Annex V, Congress passed the Act to Prevent Pollution from Ships (APPS), which applies to both U.S. vessels and foreign vessels in U. S. waters. Additionally, the Minerals Management Service (MMS) regulates offshore platforms in U.S. waters, conducting regular inspections to ensure compliance with applicable regulations keeping debris to a minimum. MMS regulations require that debris not be discharged and that a survey be conducted when a platform is removed to certify that no debris is left behind.

However, over the years it has become more and more evident that a significant percentage of marine debris is also coming from land-based sources. According to a September 2004 President's Commission report, "An Ocean Blueprint for the 21st Century," land-based sources contribute 80% of the marine debris found on our beaches and in our waters. Among these sources are combined sewage overflows. Usually found in older cities, these sewer systems are combined with storm water drainage systems. When it rains, and too much water goes into the system, overflows of raw sewage and untreated pollutants from the streets are discharged directly into the waterways. These discharges from land-based sources are subject to regulation under the Federal Water Pollution Control Act. Another group of land-based sources includes recreational beachgoers who leave picnic garbage and cigarette filters on the beach to be washed out with the tides into our oceans and bays and back onto our beaches.

MARPOL 73/78 Annex V as Incorporated by the Act to Prevent Pollution from Ships and the London Convention/MPRSA

Efforts to reduce marine debris must take place at all levels, from international to local. Annex V of MARPOL prohibits all overboard disposal of plastics and limits other discharges based on the material and the vessel's location and distance from shore. The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (known as the London Convention) is another international agreement that addresses the problems of marine debris.

Domestically, a number of federal laws focus on marine debris, including the Act to Prevent Pollution from Ships (which prohibits the disposal of all garbage within 3 nautical miles of the coast and enforces Annex V of MARPOL), the Marine Plastic Pollution Research and Control Act, the Clean Water Act, Title I of the Marine Protection, Research and Sanctuaries Act (commonly referred to as the Ocean Dumping Act), the Beaches Environmental Assessment and Coastal Health Act and the Shore Protection Act. Furthermore, some states also have their own laws to address marine debris.

The relationship between MARPOL and our domestic regulations is virtually seamless. While MARPOL covers most technical aspects of pollution from ships, there is a distinction between the normal operational discharges by vessels such, as oily water separator discharges (covered by MARPOL), and dumping of wastes from vessels (covered by the London Convention).

When considering “marine debris” in its broadest sense, awareness should be maintained of the other statutory regimes that may be implicated, including the Federal Water Pollution Control Act, the Rivers and Harbors Act and the Refuse Act of 1899, among others, to avoid duplication of existing regulations and overlapping authorities.

Coast Guard Programs/Initiatives in Place

The Coast Guard remains committed to its goal of reducing marine pollution within the realm of our legal authority. Meeting this goal requires identifying risks and focusing resources toward reducing those risks.

The Coast Guard has a long history of a vigorous environmental protection culture which incorporates our prevention, compliance and enforcement philosophies. Since Annex V of MARPOL 73/78 became legally binding in 1988, the Coast Guard has developed a robust, multi-faceted system which we believe is effective in achieving domestic and global goals of reducing pollution in the marine environment. Our multi-tiered system achieves results through outreach, prevention, compliance verification and enforcement.

Coast Guard personnel have embraced these elements and have integrated them in daily operations:

- Outreach – The Coast Guard leverages the support of our volunteer Auxiliary force to educate the public regarding pollution prevention. In particular, our Sea Partners Campaign is an environmental education and outreach program focused on the community at large, provides an awareness of maritime pollution issues and seeks to improve compliance with marine environmental protection laws. The interactive agenda highlights common, preventable sources of land- and marine-based pollution. Educating the community regarding environmental responsibility helps encourage sound environmental habits at the grass roots level. Additionally, the Coast Guard seizes every opportunity, including routine boardings on all types of vessels, to educate mariners and the boating public about pollution prevention.
- Prevention – The Coast Guard fosters an aggressive prevention philosophy. This extends from shipboard pollution prevention to assuring facilities that receive oceangoing vessels are adequately equipped to receive garbage and other waste in an environmentally sound manner. Through a multi-dimensional system regulated both by U. S. regulation (33 CFR Parts 151 and 158) and international convention (MARPOL, Annex V), vessel owners are given the regulatory construct and guidance to safely manage normal shipboard waste without adversely impacting ship operations. Some examples of typical shipboard prevention requirements are clear regulations detailing prohibited discharges and

placarding to notify crew and passengers of disposal prohibitions. Larger commercial ships (of 400 gross tons and above) require garbage management plans which outline procedures for collection, storage, processing and disposal of shipboard garbage. Ships must also maintain garbage record books to record incineration or disposal of garbage.

- Compliance Verification– The Coast Guard performs inspections for compliance and enforcement with MARPOL 73/78, implemented by 33 CFR Part 151. These inspections are performed pursuant to 33 CFR Part 151.23. U. S. commercial shipping is inspected on an annual basis. The pollution prevention verifications that are conducted during these exams include a review of vessel waste management systems and inspection of the ship and its equipment to verify compliance. Similarly, foreign vessels are examined by the Coast Guard through our Port State Control program. Foreign ships visiting the U. S. receive similar pollution prevention scrutiny. Moreover, smaller vessels, including recreational and commercial fishing vessels that are not required by law to be inspected, are subject to random “at sea” boardings where compliance may also be verified.
- Under MARPOL Annex V’s requirements for port reception facilities, member nations must provide waste disposal facilities in their ports to receive waste from ships. The Coast Guard ensures domestic alignment with the garbage reception requirements by verifying that certain domestic waterfront facilities maintain the capability of receiving garbage and waste from oceangoing ships, which closes the prevention cycle. Compliant facilities are issued a Certificate of Adequacy by the Captain of the Port and the facility is periodically re-examined. The need for vessels to illegally dump garbage in the ocean is reduced by maintaining domestic waste reception options for visiting ships. Despite this requirement, many ports do not have adequate facilities. Another problem is that the cost of properly disposing of garbage can be extremely high.
- Annex V calls for the designation of Special Areas that receive a higher level of protection than is required in other ocean areas. Special Areas have been designated for many parts of the world, including areas of the Mediterranean, Baltic, Black, Red and North Seas, the Antarctic and the Wider Caribbean region, which includes the Gulf of Mexico and the Caribbean Sea. However, for a Special Area to receive extra protection there must first be a demonstration of adequate port reception facilities. Once these facilities have been verified, the IMO establishes a date for Special Area protections to enter into force.
- Enforcement – During port and landside patrols for safety, security and law enforcement, the Coast Guard vigilantly monitors for environmental compliance and investigates any reported violations. For minor infractions, the Coast Guard initiates civil penalty proceedings which can result in remedial action such as a written warning or monetary civil penalty. U. S. licensed or documented mariners who violate pollution prevention laws are also subject to suspension and revocation action against their Coast Guard issued credentials. For the most serious cases, the Coast Guard has partnered with the Department of Justice to pursue civil and criminal enforcement actions against violators.

Existing Program Effectiveness

Derelict fishing gear, intentionally or negligently disposed of, is covered by MARPOL and APPS and is a violation, though casualties and accidental losses are exempted. Although the Coast Guard and other agencies have difficulties with removing and disposing of accidental losses of derelict fishing gear, the Coast Guard has worked successfully in the past with NOAA and other agencies to remove and dispose of old fishing nets and gear. For example, in the Coast Guard's 14th District, the Coast Guard, NOAA, the University of Hawaii, and others have worked to develop a major interagency partnership to assess the threat and clean up existing concentrations of marine debris in the Northwest Hawaiian Islands. This multi-agency effort has been in place since 1996. On September 16th, the team returned from a joint mission to remove thousands of pounds of marine debris from the Northwest Hawaiian Islands.

Conclusion

I appreciate the opportunity to provide you with an overview of our anti-pollution philosophy and policies. I am proud of the Coast Guard's environmental stewardship and our instrumental position to improve the quality, safety, and economic vitality of our nation's critical waterways. I look forward to continuing to advance the nation's clean water goals with proactive representation at the IMO, membership on the Interagency Marine Debris Coordinating Committee and execution of our existing missions and programs. I reiterate that utilizing MARPOL 73/78 Annex V, via the Act to Prevent Pollution from Ships, and domestic regulation are the right tools to meet our goals. With improved communication, research, and education concentrated specifically on marine debris, I am confident that targeted issues can be effectively addressed internationally through the IMO and domestically through the Interagency Marine Debris Coordinating Committee.

The Coast Guard looks forward to working with Congress as we continue our ongoing efforts to reduce marine pollution. I will be happy to entertain any questions you may have.